REMARKS

In the Office Action dated May 17, 2007, claim 19 was rejected under 35 U.S.C. § 101; claim 1 was rejected under § 103 over U.S. Patent No. 5,727,146 (Savoldi) in view of U.S. Patent No. 6,744,767 (Chiu) and U.S. Patent No. 6,771,674 (Schuster); claims 5-13, 19, and 25 were rejected under § 103 over Savoldi in view of Chiu, Schuster, and U.S. Patent No. 6,944,673 (Malan); and claims 2 and 3 were rejected under § 103 over Savoldi in view of Schuster, Chiu, Malan, and U.S. Patent No. 6,928,082 (Liu).

REJECTION UNDER 35 U.S.C. § 101

The preamble of claim 19 has been amended to now recite "computer-readable storage medium" to address the § 101 rejection. Therefore, withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

It is respectfully submitted that independent claim 1 is not rendered obvious over Savoldi, Chiu, and Schuster for at least the following reasons: (1) no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of the references (*see KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007)); and (2) the hypothetical combination of the references does not teach or hint at all elements of the claim.

As a first point of error, in the rejection of claim 1 over Savoldi, Chiu, and Schuster, the Office Action recited claim language on page 4 of the Office Action that does not appear in claim 1. Specifically, on page 4 of the Office Action, reference is made to "a storage module to store a threshold value ..." and "a controller adapted to deny further entry of data units ...." These elements do not appear in claim 1, and thus, the obviousness rejection appears to refer to non-existent language. This is a first indication that the obviousness rejection is defective.

Moreover, as conceded by the Office Action, Savoldi and Chiu do not disclose "determining whether the data unit contains an identifier of a codec type that matches a stored codec type," and "indicating occurrence of an attack of the first network in response to determining that the identifier is of a codec type that does not match the stored codec type." *See* 5/17/2007 Office Action at 5. However, the Office Action relied upon Schuster as disclosing this claim feature that is missing from Savoldi and Chiu. *Id.* at 5-6. Specifically, the Office Action cited column 2, lines 36-52, of Schuster, which describes the communication of real time data in which an RTP header is provided, where the RTP header can indicate an RTP payload type such as the type of voice or video codec. Note, however, that the type of voice or video codec indicated in the RTP header is used for "facilitating proper decoding at the receiving end." Schuster, 2:51-52. The "proper decoding" referred to by Schuster refers to decoding of the real time data using the appropriate codec type at the receiving end. The codec type information contained in the RTP header is *not* used for indicating whether occurrence of an attack of a network is happening, as recited in claim 1. Nothing in any of the cited references provides any teaching of "determining whether the data unit contains an identifier of a codec type *that matches a stored codec type*," and "indicating occurrence of an attack of the first network *in*

response to determining that the identifier is of a codec type that does not match the stored codec type."

In view of the foregoing, it is clear that the hypothetical combination of the references does not teach or hint at all elements of claim 1. For at least this reason, a *prima facie* case of obviousness has not been established with respect to claim 1.

Moreover, no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of Savoldi, Chiu, and Schuster to achieve the claimed subject matter. Savoldi refers to training, according to IEEE 802.12, a network device, in which network access by the network device is allowed by monitoring the source address of packets that are sent as the network device tries to train into a network. Savoldi, 1:63-67. Chiu describes a resource reservation system that checks to determine if sufficient bandwidth resources are available along a data flow pathway requested by a customer for a particular class of service. Chiu, 2:21-24.

The cited passage of Schuster refers to providing an indication of a codec type in an RTP header to allow for proper decoding at the receiving end. However, there is nothing in any of the teachings, whether explicit or implicit, of the references that would have provided any hint to a person of ordinary skill in the art of the claimed subject matter regarding determining whether an identifier of a codec type in a data unit matches a stored codec type, and indicating occurrence of an attack of a network in response to determining no match. Clearly, the references cited by the Office Action do not provide any teaching that would have prompted a person of ordinary skill in the art to combine such teachings to achieve the claimed invention. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1 for this additional reason.

Similarly, with respect to independent claim 19, the asserted combination of the cited references fails to teach or hint at a system to determine if each incoming packet has a predetermined pattern by checking if each incoming packet has an indication of a predetermined *codec type*. With respect to independent claim 25, the asserted combination of the references fails to teach or hint at storing a *codec type* for a communications session, and denying entry of an incoming data unit if the incoming data unit does not contain an indication of the *codec type*.

Thus, a *prima facie* case of obviousness has also not been established with respect to independent claims 19 and 25.

Independent claim 5 was also rejected as being obvious over Savoldi, Chiu, Schuster, and Malan. However, the rejection of claim 5 failed to address specific language of claim 5, in particular the following clause of claim 5:

> determining, by a protocol filter, if the data unit contains a payload according to a predetermined protocol, and denying, by the protocol filter, entry of the data unit if the data unit does not contain payload according to the predetermined protocol.

The Office Action merely mentioned that Savoldi, Chiu, and Schuster "teach substantially all the claimed invention, but did not disclose expressly the particular application involving limitations of 'profiling scheme by protocol filter and security action of generating a report that an attack is occurring'." 5/17/2007 Office Action at 6. The language "profiling scheme by protocol filter ...." cited by the Office Action on page 6 does not appear anywhere in claim 5, and it is unclear how the language relates to the subject matter of claim 5.

Also, the Office Action cited column 2, lines 5-16, of Malan, which refers to a stateful inspection that tracks a transaction to verify that a destination of an inbound packet matches the source of a previous outbound request. According to Malan, this is accomplished by examining multiple layers of a protocol stack to enable blocking at any layer or depth. However, examining the protocol stack, including the data, to enable blocking at any layer or depth is different from determining, by a protocol filter, if the data unit contains *a payload* according to *predetermined protocol*, and denying, by the protocol filter, entry of the data unit if the data unit does not contain the payload according to the predetermined protocol. Therefore, since the hypothetical combination of the references does not teach or hint at all elements of claim 5, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 5.

Independent claim 7 was also rejected as being obvious over Savoldi, Chiu, Schuster, and Malan. With respect to independent claim 7, the hypothetical combination of the references fails to teach or hint at storing profile information for a *telephony call session* and determining if an unauthorized access of the first network is occurring based on the profile information (for the telephony call session). The denial-of-service tracker of Malan does not store such profile information for a telephony call session. Thus, the Malan system does not determine if an unauthorized access of the first network is occurring based on the profile information for the telephony call session.

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With respect to claim 7, the Office Action also made the following observation with respect to Chiu – that Chiu discloses "voice gateways (22) for bandwidth management during implementation of Quality of Service during Internet Protocol by a controller (51) adapted to deny further entry of data units from the external network to the first network in the communications session in response to the controller detecting that a rate of incoming data units exceeds the threshold value ...." 5/17/2007 Office Action at 8. It is unclear how this teaching of Chiu has anything to do with the subject matter of claim 7, which is directed to storing profile information for a *telephony call session*, and determining if an unauthorized access of the first network is occurring based on the profile information for the *telephony call session*.

In view of the foregoing, it is clear that claim 7 is not rendered obvious by the asserted combination of Savoldi, Chiu, Schuster, and Malan.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. Moreover, in view of the defective obviousness rejection of base claim 1 over Savoldi, Chiu, and Schuster, it is respectfully submitted that the obviousness rejection of dependent claims 2 and 3 over Savoldi, Schuster, Chiu, Malan, and Liu is also defective.

Allowance of all claims is respectfully requested. No fee is believed due. However, the Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0100US).

Respectfully submitted,

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